

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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IN RE TERRORIST ATTACKS ON SEPTEMBER 11, 2001 :

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1:03 MDL 1570 (GBD)(SN)

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This document relates to:

Grazioso, et al., v. Islamic Emirate of Afghanistan a/k/a the Taliban, et al.,
1:22-cv-01188 (GBD)(SN)

MOTION TO SUBSTITUTE PURSUANT TO RULE 25(a)

AND NOW, this 28th day of December, 2024, based upon Suggestions of Death filed on December 27, 2024, MDL ECF No. 10647 and *Grazioso* ECF No. 81, Plaintiffs move for the substitution of parties plaintiff, as follows:

- (1) Leslie Ann Brown as Personal Representative of the Estate of Joan Ann Coale;
- (2) Corazon Fernandez as Personal Representative of the Estate of Cirilo Fernandez;
- (3) Kristy Grazioso as Personal Representative of the Estate of Hank Grazioso; and
- (4) Melanie Buchman as Personal Representative of the Estate of Loretta Haines.

These persons for whom substitution is sought are immediate family members of solitium plaintiffs who have passed away during the pendency of this case.

Plaintiff Joan Ann Coale died on August 16, 2021, in the State of Maryland. She was the parent of 9/11 Decedent Jeffrey Coale. Leslie Ann Brown was granted letters of administration by the Register of Wills of Anne Arundel County, Maryland.

Plaintiff Cirilo Fernandez died on April 19, 2024, in the State of New Jersey. He was the parent of 9/11 Decedent Judy Fernandez. The Personal Representative of the Estate of Cirilo

Fernandez is Corazon Fernandez, his surviving spouse. Corazon Fernandez was named the executor of the estate of Cirilo Fernandez in his last will and testament. On December 6, 2024, the Surrogate of the Ocean County Surrogate's Court in the State of New Jersey issued Letters Testamentary to Corazon Fernandez appointing her to be the personal representative of the estate of Cirilo Fernandez.

Plaintiff Hank Grazioso died on January 14, 2023, in the State of New Jersey. He was the parent to two 9/11 Decedents, John Grazioso and Timothy Grazioso. The Personal Representative of the Estate of Hank Grazioso is Kristy Grazioso, who was granted letters of administration by the Bergen County Surrogate's Court in the State of New Jersey.

Plaintiff Loretta Haines died on June 17, 2019, in the State of Pennsylvania. She was the sibling of 9/11 Decedent Sandra Wright Catledge. The Personal Representative of the Estate of Loretta Haines is Melanie Buchman, who was granted letters testamentary by the Bucks County Registrar of Wills in Doylestown, Pennsylvania.

A document titled "Suggestions of Death and Motion to Substitute Pursuant to Rule 25(a) was filed by the undersigned counsel on December 27, 2024, under the ECF category "Suggestion of Death." MDL ECF No. 10647 and *Grazioso* ECF No. 81. The ECF system did not allow a declaration of counsel in support to be filed in connection with a Suggestion of Death. Accordingly, the Suggestions of Death having been filed, the *Grazioso* Plaintiffs now are re-filing the Motion to Substitute, slightly restructured as appropriate, under the "Motions" category, together with the accompanying Exhibit A (identical to MDL ECF No. 10647-1, *Grazioso* ECF No. 81-1), and are contemporaneously filing separately a declaration of counsel, linked to this Motion, and, also separately, a proposed form of Order. The body of the proposed form of Order indicates the MDL and *Grazioso* docket numbers of this revised motion.

Therefore, Plaintiffs respectfully move this Court for the entry of an Order permitting the substitution of personal representatives of the estates referenced above as party plaintiffs in substitution for their respective deceased family members, as indicated above, in MDL ECF No. 10647 and *Grazioso* ECF No. 81, and on **EXHIBIT A** hereto.

The attached **EXHIBIT A** identifies the currently named party in the *Grazioso* Second Amended Complaint at ECF 29, the proposed substitute party, their nationality, the name of the solatium plaintiff, the name of the corresponding 9/11 Decedent, the relationship of the solatium plaintiff to the 9/11 Decedent, and the jurisdiction which issued letters testamentary (or the equivalent) that made the appointment of the personal representative of each estate, as were provided to undersigned counsel.

This Court is empowered to enter the attached Proposed Order under Rule 25(a), which states in relevant part:

Rule 25. Substitution of Parties

(a) DEATH.

(1) *Substitution if the Claim Is Not Extinguished.* If a party dies and the claim is not extinguished, the court may order substitution of the proper party. A motion for substitution may be made by any party or by the decedent's successor or representative[.]

(2) *Continuation Among the Remaining Parties.* After a party's death, if the right sought to be enforced survives only to or against the remaining parties, the action does not abate, but proceeds in favor of or against the remaining parties. The death should be noted on the record.

The *Grazioso* Plaintiffs propose, should the attached Proposed Order be entered, that Plaintiffs' counsel coordinate with the Clerk of Court to enter the substitutions on the MDL and *Grazioso* dockets themselves in order to ease the burden on the Clerk.

Dated: December 28, 2024

Respectfully submitted,

/s/ Timothy B. Fleming

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